

**ASSEMBLY BILL**

**No. 871**

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**Introduced by Assembly Member Jones**

February 17, 2011

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An act to amend Section 18671.1 of the Government Code, relating to civil service.

LEGISLATIVE COUNSEL'S DIGEST

AB 871, as introduced, Jones. Civil service: employee hearings.

The California Constitution establishes the civil service and creates the State Personnel Board to enforce the civil service statutes. Existing law authorizes the State Personnel Board to hold hearings and make investigations concerning matters relating to the administration of the civil service. These provisions require, among other things, that a hearing or investigation be commenced within a reasonable time after the filing of the petition whenever a hearing or investigation is conducted in regard to an appeal by an employee.

This bill would make a technical, nonsubstantive change to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 18671.1 of the Government Code is
- 2 amended to read:
- 3 18671.1. Whenever a hearing or investigation is conducted by
- 4 the board or its authorized representative ~~in~~ *with* regard to an appeal
- 5 by an employee, the hearing or investigation shall be commenced

1 within a reasonable time after the filing of the petition and the  
2 board shall render its decision within a reasonable time after the  
3 conclusion of the hearing or investigation, except that the period  
4 from the filing of the petition to the decision of the board shall not  
5 exceed six months or 90 days from the time of the submission,  
6 whichever time period is less, and except that the board may extend  
7 the six-month period up to 45 additional days. In the event of an  
8 extension, the board shall publish substantial reasons for the need  
9 for the extension in its calendar prior to the conclusion of the  
10 six-month period. Submission occurs on the last day of the hearing,  
11 if no other documents are to be filed, or on the last day designated  
12 for the filing of briefs or other evidence necessary to complete the  
13 record. The provisions relating to the six-month or the 90-day  
14 periods for a decision may be waived by the employee but if not  
15 so waived, a failure to render a timely decision is an exhaustion  
16 of all available administrative remedies. In cases involving  
17 complaints of discrimination, harassment, or retaliation, where the  
18 executive officer renders a decision, the decision shall be rendered  
19 within four months of the filing of the appeal.